REMARKS

Claims 1, 4-10, and 13 are currently pending in this application. By this response to the non-final Office Action mailed on June 17, 2008, claims 1, 4, 9, 10, and 13 are amended, and claims 2, 11, and 14 canceled without prejudice. Support for the amendments is found in the specification and claims as originally filed. For example, claims 1, 10, and 13 are amended to respectively incorporate the limitations previously recited in claims 2, 11, and 14. Support for the amendments is found, for example, at page 17, lines 10-18 of the specification as originally filed. No new matter has been introduced. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

Rejection Under 35 U.S.C. § 101

On page 3 of the Office Action, claim 10 was rejected under 35 U.S.C. § 101 as being directed to unpatentable subject matter. Applicants respectfully traverse.

Recently, on August 24, 2009, "Interim Examination Instructions For Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101" (Interim Guidelines) were released. It is indicated that the new guidelines "supersede previous guidance on subject matter eligibility that conflicts with the Instructions, including MPEP 2105(IV), 2106.01 and 2106.02." Applicants respectfully refer the Examiner to these guidelines.[1]

The Office Action asserts the claim 10 is ineligible "as not falling within one of the four statutory categories of invention." The *Bilski* decision recently instituted a "machine-or-transformation test" for demonstrating eligibility of method claims, where, under the machine

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[1] For the Examiner's convenience, it is noted the Interim Guideline are presently available electronically at
http://www.uspto.gov/web/offices/pac/dapp/opla/2009-08-25_interim_101_instructions.pdf

prong of the test, a process is patent-eligible if it is "tied to a particular machine or apparatus."

Section II.B of the Interim Guidelines explains:

> For computer implemented processes, the "machine" is often disclosed as a
> general purpose computer. In these cases, the **general purpose computer may
> be sufficiently "particular" when programmed to perform the process steps**.
> **Such programming <u>creates a new machine</u>** because a general purpose
> computer, in effect, becomes a special purpose computer once it is programmed to
> perform particular functions pursuant to instructions from program software. To
> qualify as a particular machine under the test, **the claim must clearly convey
> that the computer is programmed to perform the steps of the method** because
> such programming, in effect, creates a special purpose computer limited to the use
> of the particularly claimed combination of elements (i.e., the programmed
> instructions) performing the particularly claimed combination of functions. . . .
>
> (*emphasis added*)

Thus, the method of claim 10, in which the recited steps "are performed by a one or more

computers programmed to perform the above steps," recites a "particular machine" which

satisfies the *Bilski* "machine-or-transformation" test for Section 101 eligibility. Accordingly,

Applicants respectfully request withdrawal of the rejection under Section 101.

<u>Rejections Under 35 U.S.C. §§ 102 and 103(a)</u>

On page 4 of the Office Action, claims 1, 2, 4, 5, 8-11, 13, and 14 were rejected under 35

U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,509,974 (Hansen). On page 7 of the

Office Action, claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Hansen. Applicants respectfully traverse.

Claim 1 recites, *inter alia*,

> a ticket creator for creating a job ticket indicating content of each process
> required to make the image recording media based on the workflow created by the
> workflow creator,
> wherein the workflow creator comprises:
> a rule storage unit for storing rules, bringing processes required to
> construct the workflow and parameter values for the processes into

correspondence with each attribute selectable for the image recording media, for creating the workflow for making the image recording media, in advance;

an environmental information storage unit for storing in advance environmental information indicating an environment relating to each processor module for executing each process capable of being selected for making the image recording media; and

a process content decider for deciding upon a processor module required to make the image recording media and parameter values for the required processor modules based on attributes designated by the designator by referring to the rules and the environmental information.

FIG. 5 of this application illustrates a non-limiting example of the above limitations, in which workflow creation process 300 outputs data corresponding to tickets for each process including settings for parameter values for each required process. Workflow process based on job tickets can be performed by outputting tickets for trap process (321), rip operation process (322), and output unit (323).

Hansen does not disclose or render obvious the recited "rule storage unit" for creating a job ticket. The Examiner asserts Hansen teaches the recited "rule storage unit," asserting that the resource allocator, citing to col. 18, lines 51-56, can include "policies" or predefined rules for handling particular capability "requests." However, Hansen's resource allocator does not disclose the claimed subject matter, as specific "rules, bringing processes required to construct the workflow and parameter values for the processes into correspondence with each attribute selectable for the image recording media" are not disclosed.

Moreover, Hansen, col. 18, lines 53-62 describes the following for setting a "policy":

- "A policy can be implemented to force the whole document to print on a particular resource, ignoring the special attribute of those pages with the attribute set."

- "a policy can be set to always "satisfy the capability request" and route pages to resources with the desired capability."

- "a policy can be set to request manual operator intervention when a page with a specially requested capability passes through the resource allocator to have the operator determine the best course of action."

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However, Hansen does not teach about necessary information for setting a policy. Further, manual operator intervention is occasionally requested, meaning that troublesomeness involved in the creation of a workflow is not dramatically reduced by Hansen's techniques.

Additionally, Hansen does not disclose or render obvious the recited "process content decider" for creating a job ticket. Hansen merely discloses that the resource allocator can make a determination, either automatically or with manual operator intervention, or how to best print a particular page. Accordingly, the recited configuration in which a process content decider is used in creating a job ticket is not disclosed.

As Hansen does not disclose or render obvious at least the above limitations, it does not anticipate or demonstrate obviousness of claim 1. For much the same reasons, claims 10 and 13 are likewise not anticipated by, or obvious in view of, Hansen. Thus, Applicants respectfully request withdrawal of the rejections of independent claims 1, 10, and 13, and the remainder of the pending claims, which depend thereon.
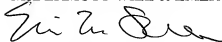
Conclusion

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance, and respectfully request the Examiner's favorable reconsideration as to allowance. The Examiner is invited to contact the Applicants' representative listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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